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EXAMINER				
CALLAWAY, JADE R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,278

Applicant(s)

OEHMANN, ROLAND

Examiner

JADE R. CALLAWAY

Art Unit

2872

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments to the claims, in the submission dated 5/26/09, are acknowledged and accepted.

Response to Arguments

2. Applicant's arguments filed 5/26/09 have been fully considered but they are not persuasive. Applicants argue that the prior art cited does not disclose a semi-transparent window. The Examiner respectfully disagrees. Muth et al. disclose a mirror module wherein a portion of the mirrored surface (60, mirror) is a semi-transparent window. The mirror surface 60 is a semitransparent, non-dichroic mirror that passes 1% to about 8% of a broad band of visible light and reflects about 35% to about 58% of visible light. As such, the mirrored surface, in and of itself, acts as a semi-transparent window.

Applicants also argue that the Macher et al. reference teaches away from combining the lighting element with anything. The Examiner respectfully disagrees. Macher et al. does not explicitly teach that the lighting element cannot be combined with any further element. The Examiner also notes that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this instance, a person

of ordinary skill in the art would have been motivated to combine the teachings of Macher et al. and Tagushi et al., so that mirrors can be cleared of frozen or liquid debris to aid in viewing. Further, Applicants request that the Examiner provide support for the Official Notice of claim 5. Pursuant to MPEP2144.03 and as noted in the Office action dated 2/26/09, it is taken as admitted prior art that multiple elements can be electrically connected to a mutual power source. A reference is not needed as support since Applicants failed to seasonably traverse the assertion in their reply to the Office Action dated 10/27/08. However, the Examiner provided a reference in the Office Action dated 2/26/09 to support the assertion. Lynam et al. (6,019,475) teaches multiple elements that are electrically connected to a mutual power source [col. 8, lines 16-42]. Linking multiple elements to the same power source reduces the size and cost of a device.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macher et al. (6,286,983) in view of Taguchi et al. (JP 60-193739 A) and of Muth et al. (5,788,357).

Consider claim 5, Macher et al. disclose (e.g. figures 1 and 9) a vehicular external mirror module comprising: a mirror housing (52, casing); a mirror glass (58, mirror layer) housed within the mirror housing, the mirror glass including a non-mirrored

surface (59, free space) facing out of the mirror housing and a mirrored surface (right and left edges) facing into the mirror housing; and a film (5, electroluminescent film) fixedly secured to the mirror surface of the mirror glass, said film including an integrated luminescent film (5, electroluminescent film) for emitting light out from the luminescent film through the mirror glass [col. 4, lines 33-67, col. 5, lines 1-18, col. 8, lines 25-67, col. 9, lines 1-50]. However, Macher et al. do not disclose that the mirrored surface includes a semitransparent window, a combination film that also includes a heating web integrally formed with the combination film to heat the mirror glass, the heating web electrically connected to the integrated luminescent film such that power transmitted to the combination film is used by the integrated luminescent film and the heating web, and wherein the luminescent film is disposed adjacent the semitransparent window for emitting light out from the luminescent film through the semitransparent window. Macher et al. and Taguchi et al. are related as vehicle mirror devices. Taguchi et al. teach (e.g. figures 1-4) a heating film (1, metallic film) electrically connected (via electrodes) to a power source [abstract]. Official Notice is taken. Although the prior does not specifically disclose that the luminescent film and the heating web are connected such that power used by the luminescent film is also used by the heating web, it is well known that multiple elements can be electrically connected to a mutual power source to reduce the amount of elements needed; thereby reducing size and cost of a device. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Macher et al., as taught by Taguchi et al., in order to clear the mirrors of frozen or liquid debris for viewing purposes.

Additionally, note that the combination film is taken to be the collective layers of the luminescent film and the heating web as disclosed by the prior art references Macher et al. and Taguchi et al.

However, the modified Macher et al. reference does not disclose that the mirrored surface includes a semitransparent window wherein the luminescent film is disposed adjacent the semitransparent window for emitting light out from the luminescent film through the semitransparent window. Macher et al., Taguchi et al., and Muth et al. are related as mirror assemblies. Muth et al. teaches (e.g. figure 6) a vehicular external mirror module wherein a portion of the mirrored surface (60, mirror) is a semi-transparent window wherein the luminescent source (e.g. 122 LEDs) is disposed adjacent the semitransparent window for emitting light out from the luminescent film through the semitransparent window [col. 5, lines 27-67, col. 6, lines 1-13 and col. 8, lines 14-39]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of the modified Macher et al. reference, as taught by Muth et al., in order to provide a mirror assembly which can be manufactured in a cost effective fashion with improved performance characteristics.

Consider claim 6, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a transmitted light orientation film (70, light control optical element) disposed between a mirror glass (60, mirror) and a light emitting portion (122, LEDs) [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 9, the modified Macher et al. reference discloses (e.g. figures 1 and 9 of Macher et al.) a vehicular external mirror module wherein the integrated luminescent film (5, electroluminescent film) is substantially planar.

Consider claim 10, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror wherein the transmitted light orientation film (70, light control optical element) is substantially planar.

Consider claim 11, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein the transmitted light orientation film (70, light control optical element) includes a plurality of microlamellae (74, microlouvers) to direct the light emitted by the luminescent film [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 12, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) are parallel to each other [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 13, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) defines a thickness [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.]. However, the modified Macher et al. reference does not disclose that the thickness is approximately one hundredth of a millimeter. Note that the Court has held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation; see

In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the thickness of the microlamellae be approximately one hundredth of a millimeter, in order to orient and direct the light emitted by a light assembly along desired lines of sight.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JADE R. CALLAWAY** whose telephone number is (571)272-8199. The examiner can normally be reached on Monday to Friday 6:00 am - 3:30 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRC
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